

04-14-07

10/12 Rec'd PCT/PTO 13 AUG 2007
Atty. Docket No. 060274.00098



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ajay Gupta
GROUP ART UNIT: Unknown
SERIAL NO.: 10/560,150
PCT No.: PCT/US03/04941
EXAMINER: Unknown
FILED: February 18, 2003

FOR: SORPTION CONCENTRATOR WITH ELECTRICALLY HEATED
DESORPTION REGENERATION

DOCKET NO.: 60,274-098

RENEWED PETITION UNDER 37 CFR 1.47(b)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Decision on Petition Under 37 CFR 1.47 (b) from June 27, 2007 (Exhibit A), the Applicant submits the Declaration, corrected as suggested by the PCT Legal Examiner (Exhibit B).

Should there be any additional fees associated with this document, please charge it to Deposit Account No. 08-2789.

Respectfully submitted,
HOWARD & HOWARD ATTORNEYS, P.C.

Michael G. Shariff, Reg. No. 58,223
The Pinehurst Office Center, Suite #101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0400

August 13, 2007

Date

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Renewed Petition Under 37 CFR 1.47(b)** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. EV901737264US and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **August 13, 2007**.

Tracy L. Smith
Tracy L. Smith



UNITED STATES PATENT AND TRADEMARK OFFICE

060274.00098
GDD

27 JUN 2007

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Gregory DeGrazia
Howard & Howard Attorneys PC
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151

HOWARD & HOWARD
JUN 29 2007
a/c
RECEIVED

In re Application of
GUPTA
Application No.: 10/560,150
PCT No.: PCT/US2003/004941
Int. Filing Date: 18 February 2003
Priority Date: 26 July 2002
Atty. Docket No.: 60274-098
For: SORPTION CONCENTRATOR
WITH ELECTRICALLY...

DECISION

This is a decision on applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 12 January 2007.

BACKGROUND

On 22 March 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 22 August 2006, applicant filed an initial petition under 37 CFR 1.47(b) requesting that the application be accepted without the signature of the sole inventor, Ajay Gupta.

On 14 November 2006, this office mailed a decision dismissing the petition.

On 12 January 2007, applicant filed the present renewed petition under 37 CFR 1.47(b), which was accompanied by, *inter alia*, a declaration signed by inventor Gupta.

DISCUSSION

A proper response to the 14 November 2006 decision would have been submission of the previously unsatisfied requirements under 37 CFR 1.47(b) or, in the alternative, a declaration

executed by inventor Gupta. A review of the response reveals that applicant has submitted the latter, and therefore the petition is now properly dismissed as moot.

However, a review of the declaration reveals that it is defective in that identifies the incorrect application to which it is directed. Specifically, the declaration identifies international application no. PCT/EP2003/004941 instead of PCT/US2003/004941, and as such cannot be accepted.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice as being **MOOT**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the mailing of a NOTICE OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that a declaration in compliance with 37 CFR 1.497 is required.

Applicant should note that extensions of time to the time period set in the Form PCT/DO/EO/916 under 37 CFR 1.136(a) are **NOT** available.



Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated near my name below.

I believe I am the original, first and sole inventor of the subject matter of which is claimed and for which a patent is sought on the invention entitled:

**SORPTION CONCENTRATOR WITH ELECTRICALLY
HEATED DESORPTION REGENERATION**

which is described and claimed in the specification of which:

 is executed on even date herewith; attorney docket number _____.

X was filed on December 9, 2005 as United States Application Serial No. 10/560,150 and International Serial No. PCT/US2003/004941 filed February 19, 2003 and amended by an amendment thereto submitted therewith (if any); attorney docket number 60,274-098.

I declare that this application is:

X a first filing.

 a continuation.

 a continuation-in-part.

 a divisional.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe my invention was known or used by others in the United States of America, or patented or described in a printed publication in any country before my invention thereof.

I do not know and do not believe my invention was patented or described in a printed publication in any country or in public use or on sale in the United States of America, more than one year prior to this application.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim that no application for patent or inventor's certificate on this invention has been filed in any foreign country or in the United States of America prior to this application by me or my legal representatives or assigns except as follows:

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of the foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

 no such applications have been filed.

X such applications have been filed as follows:

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 37 USC 119
PCT	03/04941	02-18-2003	Yes <u>X</u> No <u> </u>

I hereby claim priority to and all the benefits under Title 35, United States Code, §119(e) of any United States provisional application(s).

 no such applications have been filed.

X such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (month, day, year)
60/398,894	07-26-2002

I hereby claim priority to and all the benefits under Title 35, United States Code, §120 of any United States application(s) listed below. If the above identified application is a continuation-in-part application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this continuation-in-part application in accordance with Title 37, Code of Federal Regulations, Section 1.63(e).

X no such applications have been filed.

 such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (month, day, year)	STATUS (patented, pending, abandoned)
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POWER OF ATTORNEY

As a named inventor, I hereby appoint the attorneys and/or agent(s) associated with the below Customer Number to prosecute this application and transact all business in the Patent and Trademark Office connected therewith with full power of substitution and revocation.

CUSTOMER NO. 27305

Please address all correspondence and telephone calls to:

**Gregory D. DeGrazia
HOWARD & HOWARD ATTORNEYS, P.C.
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0325**

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Ajay Gupta

Name: Ajay Gupta

12 Jan 2007

Dated

Address: 28 Nancy Place
Berkeley Heights, New Jersey 07922

Post Office: Same

Citizenship: U.S.



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ajay Gupta
GROUP ART UNIT: Unknown
SERIAL NO.: 10/560,150
PCT No.: PCT/US03/04941
EXAMINER: Unknown
FILED: February 18, 2003
FOR: SORPTION CONCENTRATOR WITH ELECTRICALLY HEATED
DESORPTION REGENERATION
DOCKET NO.: 060274.00098

REPLY TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notification of Defective Response from July 12, 2007 (Exhibit A), the Applicant submits the corrected Declaration (Exhibit B).

Should there be any additional fees associated with this document, please charge it to Deposit Account No. 08-2789.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

August 13, 2007

Date

Michael G. Shariff, Reg. No. 58,223
The Pinehurst Office Center, Suite #101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0400

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the enclosed **Reply to Notification of Defective Response** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. EV901737264US and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **August 13, 2007**.

Tracy L. Smith
Tracy L. Smith

CPA



UNITED STATES PATENT AND TRADEMARK OFFICE

GDD/MGS

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,150	Ajay Gupta	60274-098

Gregory D DeGrazia
 HOWARD & HOWARD ATTORNEYS
 38400 Woodward Avenue
 Suite 101
 Bloomfield Hills, MI 48304

HOWARD & HOWARD
 JUL 16 2007
 all
 RECEIVED

INTERNATIONAL APPLICATION NO.	
PCT/US03/04941	
I.A. FILING DATE	PRIORITY DATE
02/18/2003	07/26/2002

CONFIRMATION NO. 1220
 371 FORMALITIES LETTER



OC000000024769032

Deadline: 8-12-07
No Extensions

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/09/2005
- Copy of the International Search Report filed on 12/09/2005
- Copy of IPE Report filed on 12/09/2005
- Oath or Declaration filed on 01/12/2007
- Request for Immediate Examination filed on 12/09/2005
- U.S. Basic National Fees filed on 12/09/2005
- Priority Documents filed on 12/09/2005
- Specification filed on 12/09/2005
- Claims filed on 12/09/2005
- Abstracts filed on 12/09/2005
- Drawings filed on 12/09/2005

Applicant's response filed 01/12/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/22/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - The declaration submitted is not in compliance with 37 CFR 1.497.

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this **Notification** or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. **No extension of this time limit may be granted under 37 CFR**

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,150	PCT/US03/04941	60274-098

FORM PCT/DO/EO/916 (371 Formalities Notice)